

are going to provide an opportunity for people who wish to give statements regarding Pastor Ogilvie—that the chairman of the Appropriations Committee is going to put that in booklet form. So is it fair to announce to everyone that they need not come now to give speeches regarding Pastor Ogilvie, that they will have an opportunity to give a speech later or insert something in the RECORD so Dr. Ogilvie will have all of these in one book?

Mr. FRIST. Madam President, that is correct. There has been an outpouring of feeling for our Chaplain on this very special day, 8 years after he first gave a prayer in this Chamber. With that outpouring of respect, people will be given the opportunity to provide their written statements. Of course, they are welcome to come and make statements, but we are encouraging people to make their written statements part of a permanent book that we will be giving him. We will have morning business and people can come to the Chamber. There will be other morning business conducted as well, but most of the tributes will be going into written form, and we encourage people to do just that.

The PRESIDING OFFICER. Under the previous order, the first 20 minutes shall be equally divided between the Senator from Nebraska and the Senator from North Dakota, with the rest of the time until 11:30 a.m. to be equally divided between the two leaders or their designees.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent that during the 20 minutes I be notified when I have consumed 5, after which the Senator from Nebraska will be recognized for 5 minutes, following which the Senator from South Dakota, Mr. JOHNSON, for 5 minutes, following that Senator BROWNBACK from Kansas for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEW HOMESTEAD ACT

Mr. DORGAN. Madam President, at a time when there is so much discussion about partisanship, let me describe legislation introduced in the Senate yesterday now called S. 602, which is truly bipartisan. We call it the New Homestead Act. Senator HAGEL, Senator JOHNSON, Senator BROWNBACK, I, and many others, Republicans and Democrats, have introduced legislation to address a very serious problem in the heartland of our country.

I will describe this problem by something a Lutheran minister from New England, ND, told me. She said: In this small town in southwestern North Dakota, in my church I officiate at four funerals for every wedding.

What does that describe? It describes a small town in a rural State where the population is getting older, where they have few young people, few marriages and few births, and where they are suffering from the out-migration of people.

I will describe what is happening in the heartland of America with this chart. The red on this chart shows the rural counties across America that have experienced greater than 10-percent net out-migration over the last 20 years. There is a relentless engine of depopulation in the heartland of our country. It is from North Dakota to Texas in an eggshell shaped form.

My home county is right in the southwestern corner of North Dakota. It is slightly larger than the State of Rhode Island. When I left it, there were 5,000 citizens living in that wonderful county. Now there are 2,700 citizens, and the demographers say by the year 2020 it will have 1,800 citizens. Trying to do business in that county and so many others in the heartland is like doing business in a deep recession.

Nearly a century and a half after we populated the heartland of America by something called the Homestead Act, which said, move here, become a part of this land, and we will give you the land, we are seeing this relentless depopulation. In these areas, we have communities that are wonderful places in which to live. In fact, people aspire to recreate what we have in other parts of the country—strong schools, a great place to raise kids, safe streets, and wonderful communities. Yet, these rural areas are being ravaged by the out-migration of people. It is ruining their economy.

The question is: Should we care? Do we care? Well, when our cities were decaying and America's cities were in trouble, as a national policy we rushed to say, let's save America's cities with the Model Cities Program, an urban renewal program. We pumped significant resources into those cities to save them.

The question now is: Will we save the heartland in our country? Does it matter? S. 602, bipartisan legislation called the New Homestead Act, says it matters.

What the heartland contributes to America is very important. We need to give people the tools to help rebuild their economies in the heartland. That is what our legislation does.

We do not have land to give away anymore. But we say to individuals and businesses, if you stay there, if you come there, if you build there, if you invest there, here are financial incentives for you. We can turn this around. That is what S. 602 is about. S. 602 says to people, it is in your interest to help us rebuild the economies of the States in the heartland.

The New Homestead Act offers tax and other financial rewards for individuals who commit to live and work in high out-migration rural areas. It provides help paying college loans, offers tax credits for home purchases, protects home values, and establishes Individual Homestead Accounts, the economic equivalent of giving them free land as we did a century ago.

S. 602 provides tax incentives for businesses to expand or locate in high

out-migration areas. Investment tax credits. Micro-enterprise tax credits. Accelerated depreciation.

Finally, a new homestead venture capital fund will help ensure that entrepreneurs and companies in these areas get the capital they need to start and grow their businesses.

We can do one of two things with respect to this problem in the heartland of America. We can sit here and gnash our teeth and wring our hands and say, this is awful. We can watch this depopulation continue for the next 20 or 50 years, and lose a significant and important part of our country's economy, or we can decide we are not going to let this happen, we are not going to be the frog in the pan of water on the stove only to find at this time it is too late to get out.

That is what this is all about. I am proud to work with my colleagues, Republicans and Democrats alike, to offer this legislation.

Mr. HAGEL. Madam President, I rise this morning to join my friend and colleague from North Dakota, Senator DORGAN, in introducing the new Homestead Act. We have heard from Senator DORGAN as to why many believe this issue, this challenge, needs attention. He laid some of those reasons out rather clearly.

Senator DORGAN and I and others introduced this legislation last year. The intent of this legislation is simple. It aims to help reverse the trend of population decline in rural areas and provide growth and opportunities in rural America. Many communities in rural America have not shared in the boom that has brought great prosperity to urban America. Instead, this out-migration of individuals and resources is taking a high toll on rural America. Over the last 50 years, nonmetropolitan counties in the Nation lost more than a third of their population, about 34 percent. Contrast this with the fact that during the same period the number of people living in metropolitan areas grew by over 150 percent.

Today, Nebraska is one of the States hardest hit by out-migration. Of 93 counties in Nebraska, 56 have lost at least 10 percent of residents due to out-migration over the past 2 years. According to the University of Nebraska report, most of these counties will see similar population losses over the next 2 decades without an expansion of non-agriculture industry.

Why are people leaving rural America? It is rather simple: For jobs and opportunities. One of the main provisions of our legislation addresses this issue by providing incentives to small businesses and other enterprises to locate and expand in rural areas. Small businesses are a critical element of the rural economy, as they are to all of America, accounting for nearly two-thirds of all rural jobs.

Our legislation builds upon the same spirit of the Homestead Act of 1862 which gave land to individuals who were willing to live and work in unsettled areas of the country. In fact, the

first claim made under this act was just outside Beatrice, NE.

Our bill targets three different categories: Individuals, businesses, and capital formation. For individuals who live in or move to high out-migration counties, the legislation provides, as Senator DORGAN mentioned, three basic things: The college loan repayments and home tax credits, individual homestead accounts, rural investment tax credits, and a venture capital fund.

Last year, in the Senate Finance Committee, Senators GRASSLEY and BAUCUS called the bill a big idea. Indeed, it is a big idea. But it is the kind of big idea we need to help reverse the decline of rural America—not just the Midwest—but all of rural America.

I am proud of the fact our bill has the bipartisan support of 10 cosponsors and it has the endorsement of a diverse coalition of organizations across this country, all kinds of organizations. I am pleased again to be working with my friend, Senator DORGAN, in reintroducing this legislation. I ask my colleagues in this body to learn more about the aim, the specifics of this legislation, and that they would help and join us in addressing the challenges facing rural areas across our country.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise today to express my support for the New Homestead Act and I want to thank Senator DORGAN and Senator HAGEL for their leadership on the critically important issue. I am pleased to cosponsor this bipartisanship legislation.

America was originally a rural place. Many of our citizens lived and worked on farms or in rural towns throughout our country. During the turn of the century, towns and communities sprang up on railroad lines and river crossings. They served as regional trade centers and seats of local government. Opportunity was available for the children of these communities. Too often that is no longer the case. A changing economy from agriculture to technology has reduced opportunity in rural America and certainly rural South Dakota. Out-migration is decimating many communities in my home State of South Dakota. Currently, 63 percent of South Dakota counties are considered high out-migration counties—averaging a 10 percent population loss over the past 20 years. In these counties there is also a 16 percent reduction in youth population, 6 percent increase in the elderly population, and 25 percent of these counties had more deaths than births. Once proud communities that were self sufficient are slowly withering away.

I believe that in order to forestall these trends Congress must now prioritize rural America. That is one reason why I am so supportive of this legislation. The New Homestead Act hopes to address out-migration by offering individuals who make a commit-

ment to live and work in rural areas to get a college degree, buy a home, start a business and build a nest egg for the future. This legislation will also provide incentives for businesses to relocate or develop in high out-migration areas. This comprehensive, approach is needed to address this huge problem. While the bill will not save every community, it will provide communities with the tools they need to survive. Rural communities provide businesses and families many benefits. Good schools, low crime rates, a high level of civic involvement and a talented and committed workforce are just some of the benefits (specifics) that rural America provides this country. It is a way of life worth fighting for, and our Nation's commitment to this lifestyle is long-standing.

In fact, in 1862 our government made a commitment to populate rural America. The original Homestead Act made a deal with settler's willing to travel to the midwest; if you stay and work the land for 5 years we will offer you a quarter-section of land. This was a hugely popular and successful program. I know this first hand because my great-grandfather used this legislation to homestead near Centerville, SD.

Today we can offer tax incentives and financial rewards to individuals to move into out-migration counties. A generation ago the United States used a similar approach addressing the needs of our metropolitan areas. At that time, our country's cities were facing population and job losses, crumbling infrastructure—many of the same problems our rural areas face today. Billions of dollars were committed to housing, transportation, and job creation in urban areas.

As a Senator from a rural area, I was proud to participate and join in that effort. But now many of our metropolitan areas that were struggling thrive. We need this kind of commitment for our rural communities at this point in our history.

While this comprehensive legislation takes aim to remedy many of the problems facing small towns, I believe this forward-thinking bill is also important for farmers and ranchers who make a living from the land. It is critical to understand that prosperity in production agriculture can lead to robust conditions in Main Street rural America. As such, a decline in the farm economy causes economic hurt for rural businesses as well. This downturn in the rural economy is one we know all too well in South Dakota. Volatile market conditions for crops and livestock, unfair foreign trade, and the disastrous forces of Mother Nature, have all taken a toll on our farmers and ranchers in recent years.

Consider the sobering economic damage to South Dakota resulting from the ongoing drought: South Dakota State University, SDSU, economists estimate \$1.4 billion has been eroded from the State's economy due to the drought. The impact includes \$642 mil-

lion in direct losses for livestock and crops, which is about one-sixth, or 17 percent of the average annual cash intake for agriculture.

I believe the New Homestead Act provides the kind of commitment and opportunity that our nation must be willing to once again make in order to sustain and grow prosperity for farmers, ranchers, and rural America.

Our entire Nation suffers when rural America suffers. Some of our country's most prized virtues, like good school systems, low crime rates, and high levels of civic participation, are alive and well in these areas, yet many are fighting for their survival. There is no doubt in my mind that these areas are worth saving. I urge my colleagues to support this important legislation.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I am pleased to join colleagues in the introduction of the New Homestead Act. I am very pleased to be a supporter along with my colleagues from North Dakota, Nebraska, and South Dakota.

Alexander Hamilton once made a statement I think is particularly applicable to the current situation we are discussing—what is happening in rural America, particularly in a swath of rural America from Texas north to the Canadian border that includes the State of the Presiding Officer and a number of States throughout the Midwest. He said:

To cherish and stimulate the activity of the human mind, by multiplying the objects of enterprise, is not among the least considerable of the expedients by which the wealth of a nation may be promoted.

We listen to that and say: What does he mean? In other words, we must encourage and support intellectual activity and enterprise, and the area in which this has been most neglected has been in our rural communities. We must change this before some of these precious entities wither away.

Every year, rural communities become emptier and more desolate as fewer and fewer people remain. This out-migration of youth to more urban areas is due to the simple fact of a lack of economic opportunity within these beautiful settings.

Although America was originally rural, with most of its people living in rural areas and working on farms, that has changed dramatically over the course of the past century. Today, after decades of decline, less than 2 percent of the Nation's population live on farms in rural areas. In my State alone, over half of the counties are suffering from this youth drain and out-migration.

I have a map I want to show to my colleagues. These are counties in Kansas. We have 105 counties. These are the counties that would qualify for the New Homestead Act; that is 10-percent population decline or more over the last 20 years. You can see a huge swath of our State that has extensive out-migration.

You can say a lot of different factors caused this. One has been the concentration and growth in agriculture, where there are fewer farmers farming larger tracts of land. That is certainly accurate.

It is also the fact that a number of people in agriculture have, because of a lack of income, had to get off-farm jobs. There are not major urban areas in a lot of these places, so they have not been able to find that and they have had to move to major urban areas. So you have had this combination of difficulty in agriculture, difficulty of a lack of jobs on an off-farm basis. It has led to this huge out-migration.

If this were just Kansas, it would be problematic enough, but instead of a whole swath, particularly in the Middle West, from Texas sweeping up north all the way to Montana and Minnesota, you have a number of counties like this.

I believe nearly 90 percent of counties in North Dakota qualify because of the same feature: Concentration in agriculture, fewer off-farm job opportunities, and people saying: We simply don't have anyplace to work. We would love to live here. We would love to be able to stay here. We have to have a job. We have to be able to make a reasonable income.

This is the total population. If you look at the school-age population, it is even worse. It is even a more steep decline. I have been in cities in Rawlins County and far Northwest Kansas where the school-age population has declined nearly a fourth over the last 5 years. So while the overall population is going down like this, the school-age population is plummeting. As young people don't move back in the area, there are not the jobs and opportunities. They are saying: I would love to live here, but I can't.

I have been around a lot of rural development efforts that tried to push people back to rural areas. To me, this is a way to pull people back to rural areas, by providing economic incentives, the likes of which we did to populate the region in the first place. This is a region that was populated by the Homestead Act in the first place, telling people, if they will stay there and work 160 acres for 5 years, it is theirs.

We had people self-selected. It wasn't people saying: You are going to go, and we will select you, we won't pick you—it was the great American way. This is the opportunity. If you want to do it, it is your choice. You don't have to do it. People took it and moved out.

The New Homestead Act is recognizing the new economic realities and saying what can we do to pull people into these areas. These are ideas we tried in major urban areas, we tried them in Washington, DC, and a number of other places where we were having the hollowing out of urban areas, and they have attracted people back to the core in these urban areas. We are trying to take those same proven models,

proven tests, to another area that has been hollowed out in the United States.

That is why I am excited about this bill. I am hopeful it is something we can move in total, or in part, quickly. We need to do so. We need to move this forward aggressively.

It is providing new hope and new vision in areas where a lot of people were of a mind that: I guess nobody is listening or paying attention, and we are going to have difficulty making it. Our community is not going to make it.

Here we are saying, no, we want to provide this new hope and opportunity with the New Homestead Act. I hope our colleagues, if they have other ideas that could strengthen this bill, will bring those forward as well.

It is a very difficult issue for our State. I am delighted to be supportive of this effort. My colleagues and I are going to push aggressively here and in the House to make it happen.

It is simple: rural America—our history, our founding lifestyle—is suffering and the Congress must not turn our backs. Take, for example, the town of Nicodemus, KS, in Graham County. This town was started more than a century ago when some 350 freed slaves left Kentucky and made a new beginning for themselves on the plains of Kansas. For a while, the town prospered, showing a new life to these newly-freed slaves. Unfortunately though, the railroad never moved in—a devastating lost opportunity that was followed by drought, depression, and, finally, a post-war exodus. Suddenly, the town itself and its population seemed almost ghost-like. Today, Nicodemus is without a school, and there is only one full-time farmer left in the area.

Unfortunately, this story is not an isolated one, as hard times have hit throughout America. In fact, this kind of situation is happening across our heartland, and we are here today to provide the much needed incentives to preserve rural America and the values instilled there.

We must revitalize within our heartland that spirit of creativity and enterprise that has always allowed our nation to grow and adapt. It has long been the key to our success both philosophically and in the wealth of our nation. For example, Americans who once held jobs that relied on the production of natural resources, such as farming, now work in service or technology industries. As a result of new technologies, American industries, including agriculture, have become more profitable with fewer employees. We in the Congress have an obligation to ensure the economic viability of these rural communities, even in light of the major problems and out-migration these areas are suffering.

In 1862, the Homestead Act inspired many to move to places like Kansas with promises of 160 acres of free land to those settlers who would farm and live there for five years. Today, we are introducing the New Homestead Act.

While we aren't offering 160 acres, we are rewarding those individuals willing to take a risk and locate in a high out-migration county with the opportunity to get a college degree, buy a home, and build a nest egg for the future. Through loan repayment, small entrepreneurship credits, home tax credits, protecting home values, and individual homestead accounts, this bill reaches out to a new generation of Americans.

And it is this new generation of Americans that will help rejuvenate rural America. Since our founding, a strong and vibrant rural America has been essential to a strong nation—and this principle remains only more true today. Our continued national well-being depends as much, if not more, on the condition of our less populated areas as on our urban areas.

It is my hope that the Senate will take a serious look at this bill and move quickly to implement the provisions we have set forth. I appreciate the work that my colleagues Senators HAGEL and DORGAN have done on this bill. Their vision and drive have brought this bill to where it is today, and I hope that the same spirit will help propel this bill through the Senate so that we can start helping our rural communities as quickly as possible.

For, as we struggle through economic hard times nationwide, it would be wise to remember a comment George Washington made:

A people . . . who are possessed of the spirit of commerce, who see and who will pursue their advantages may achieve almost anything.

I know our rural communities are not only our history, but still have much to offer our nation today. Therefore, let us enable that spirit of commerce, and put these communities on the path to recovery.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the cloture vote on the Estrada nomination occur at 2:15 today; provided further the order for debate remain from 11:30 to 12:30; I further ask unanimous consent at 12:30 the Senate begin consideration of Calendar No. 36, the Bybee nomination as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.